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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

**NABIL KHLAFA,**

Plaintiff,

v.

**OREGON HEALTH AND SCIENCE  
UNIVERSITY, DANNY JACOBS,  
DARRYL WALKER, CATHRYN  
DAMMEL, ILONA COX, SALLYDAY  
EISELE,**

Defendants.

Case No. 3:23-cv-01013

Multnomah County Circuit Court  
Case No. 23CV26019

**DEFENDANTS’ NOTICE OF  
OF REMOVAL OF CIVIL ACTION**

**JURY TRIAL DEMAND**

TO THE CLERK OF COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants’ Oregon Health and Science University, Danny Jacobs, Darryl Walker, Cathryn Dammel, Ilona Cox, and Sallyday Eisele (“Defendants”) hereby remove to this Court the case now pending in Multnomah County Circuit Court as *Nabil Khlaifa v. Oregon Health and Science University, Danny Jacobs, Darryl Walker, Cathryn Dammel, Ilona Cox, and Sallyday Eisele*, Case No. 23CV26019. As grounds for removal, Defendants state as follows:

**NOTICE OF REMOVAL IS TIMELY**

(1) On June 29, 2023, Plaintiff Nabil Khlafa filed a Complaint in this action now pending in Multnomah County Circuit Court as *Nabil Khlafa v. Oregon Health and Science University, Danny Jacobs, Darryl Walker, Cathryn Dammel, Ilona Cox, and Sallyday Eisele*, Case No. 23CV26019. The Complaint asserts claims for relief under the Age Discrimination and Employment Act, 29 U.S.C. § 626 *et seq.*, 42 U.S.C. § 1981, Title VII of the Civil Rights Act, and the Americans with Disabilities Act, as well as claims under Oregon law. Pursuant to 28 U.S.C. § 1446(a), a copy of the Summons and Complaint are attached hereto as **Exhibits 1 and 2**.

(2) Plaintiff served all Defendants with the Summons and Complaint on July 3, 2023. A copy of the Proofs of Service is attached hereto as **Exhibit 3**.

(3) Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders received by Defendants accompany this notice of removal as exhibits. No other pleadings or orders have been received by or served by Defendants in the underlying case.

(4) Plaintiff's Complaint is removable pursuant to 28 U.S.C. § 1441(c)(1)(A) because it contains claims arising under federal law. This Notice of Removal is filed within 30 days of receipt by Defendants of Plaintiff's Complaint, and therefore removal is timely under 28 U.S.C. § 1446(b)(1).

(5) As of the date of the filing of this Notice of Removal, Defendants are represented by the undersigned counsel, have been served with the Complaint, and wish to remove this case to federal court.

(6) No further proceedings have been held in the Circuit Court of Multnomah County, Oregon as of the date of this removal.

**FEDERAL QUESTION JURISDICTION EXISTS**

(7) This is a civil action over which this court has original jurisdiction pursuant to 28 U.S.C. § 1331, which provides the Court with original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

(8) Plaintiff asserts claims under numerous federal statutes, including the ADA, the ADEA, 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964.

(9) This Court has supplemental jurisdiction over Plaintiff's remaining Oregon state law claims pursuant to 28 U.S.C. § 1367(a).

**REMOVAL TO THIS DISTRICT IS PROPER**

(10) Pursuant to 28 U.S.C. §§ 1331, 1446, and 1447, removal of the above-captioned state court action to this court is appropriate.

(11) Pursuant to 28 U.S.C. § 1441(a), removal is made to this Court as the district and division embracing the place where the state action is pending.

**FILING OF REMOVAL PAPERS**

(12) Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal of Civil Action is being served upon Plaintiff, and a copy will be filed with the clerk of the Circuit Court of the State of Oregon for the County of Multnomah.

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WHEREFORE, Defendants remove this civil action from the Circuit Court of the State of Oregon for the County of Multnomah and request that all further proceedings be conducted in this Court.

Respectfully submitted this 11<sup>th</sup> day of July, 2023.

HART WAGNER, LLP

By: /s/ Karen O’Kasey

Karen O’Kasey, OSB No. 870696

[kok@hartwagner.com](mailto:kok@hartwagner.com)

Of Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 11<sup>th</sup> day of July, 2023, I served the foregoing

**DEFENDANTS' NOTICE OF REMOVAL OF CIVIL ACTION** on the following party at  
the following address:

Nabil Khlafa  
5331 S Macadam Ave  
Suite 258-107  
Portland, OR 97239  
[Nabilnoble77@gmail.com](mailto:Nabilnoble77@gmail.com)  
*Pro Se Plaintiff*

by electronic means through the Court's Case Management/Electronic Case File system.

*/s/ Karen O'Kasey*

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Karen O'Kasey